
**Rules of
Department of Economic
Development
Division 160—Council for Hearing Aid
Dealers and Fitters
Chapter 1—General Organization and Description
of Council**

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Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 160—Council for Hearing Aid Dealers and Fitters

Chapter 1—General Organization and Description of Council

4 CSR 160-1.010 General Organization

PURPOSE: This rule describes the Council for Hearing Aid Dealers and Fitters and the council's operation and the methods and procedures where the public may obtain information or make submissions and requests, and defines certain terms.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Whenever used in this division, the term council means the Council for Hearing Aid Dealers and Fitters, the term division means the Division of Professional Registration and the term department means the Department of Economic Development.

(2) The council was created by an act of the Seventy-seventh General Assembly and is an advisory unit to the division and the department.

(3) The council consists of five (5) licensed hearing aid dealers and fitters, one (1) otolaryngologist, one (1) voting public member and one (1) audiologist holding a certificate of clinical competence. The council members are appointed by the director of the department. Each member's term of office is four (4) years.

(4) The department is authorized by section 346.115.1(8), RSMo to adopt rules necessary to carry out the provisions of Chapter 346, RSMo. The department has delegated certain responsibilities and authority to the division.

(5) The presence of one-half (1/2) or more of the council members constitutes a quorum for the transaction of business at any regular or special meeting.

(6) Each year a council chairperson and a council secretary-treasurer are elected by a majority of the council members present at the meeting. It is the chairperson's duty to preside at all meetings. If the chairperson is unable to attend any meeting, s/he may designate one

(1) of the council members to preside in his/her stead. The chairperson exercises general supervision of the affairs of the council, and has the usual powers of that office and any other powers and duties the council may dictate.

(7) It is the duty of the executive director to keep the minutes of the council and to assist the council in its duties.

(8) The council has at least two (2) regularly scheduled meetings each year and other meetings as requested by the department or called by the chairperson. The time and location for each meeting may be obtained by contacting the office, P.O. Box 1335, Jefferson City, MO 65102-1335.

(9) Unless otherwise provided by statute or regulation, all meetings of the council will be governed by Robert's Rules of Order.

(10) Members of the public may obtain information from the department or make submissions to the department by writing the office at P.O. Box 1335, Jefferson City, MO 65102-1335.

*Auth: sections 346.115.1(8) and 536.023.3., RSMo (1986). * Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Refiled Jan. 2, 1976. Rescinded and readopted: Filed Feb. 9, 1982, effective May 13, 1982. Amended: Filed March 1, 1984, effective July 12, 1984. Amended: Filed May 26, 1988, effective Sept. 11, 1988. Amended: Filed May 17, 1989, effective July 27, 1989. Amended: Filed Aug. 3, 1992, effective April 8, 1993.*

**Original authority: 346.115(8), RSMo (1973), amended 1981 and 536.023.3., RSMo (1975), amended 1976.*

4 CSR 160-1.020 Custodian of Public Records

PURPOSE: This rule sets forth the written policy in compliance with sections 610.010—610.030, RSMo regarding the release of information on any meeting, record or vote of the Council for Hearing Aid Dealers and Fitters.

(1) The Council for Hearing Aid Dealers and Fitters, Division of Professional Registration, Department of Economic Development is a public governmental body as defined in Chapter 610, RSMo and adopts the following as its written policy for compliance with that chapter. The Council for Hearing Aid Dealers and Fitters is an advisory council to the department. This policy is open to public

inspection and implements the provisions in Chapter 610, RSMo regarding the release of information on any meeting, record or vote of the Council for Hearing Aid Dealers and Fitters which is not closed under provisions of Chapter 610, RSMo.

(2) All public records of the office shall be open for inspection and copying by any member of the general public during normal business hours (8:00 a.m. to 4:30 p.m. Monday through Friday, holidays excepted), except for the records closed under section 610.021, RSMo. All public meetings of the council not closed under that section will be open to any member of the public.

(3) The department establishes the executive director of the office as the custodian of its records as required by section 610.023, RSMo. S/he is responsible for maintaining the council's and department's records and responding to requests for access to public records.

(4) The department may charge a reasonable fee for document search and copying of requested records. The fees charged shall be as follows:

(A) A fee for document search (research) shall not exceed the actual cost of document search and shall be established by rule;

(B) A fee for copying public records shall not exceed the actual cost of duplication and shall be established by rule; and

(C) All fees collected shall be remitted to the Department of Revenue for deposit in the State Treasury.

(5) Responding to Requests for Access.

(A) If the custodian is uncertain whether requested access to public records is required under Chapter 610, RSMo, s/he shall consult with the Office of the Attorney General before deciding whether to deny the access. If that contact by the custodian is not practicable or is impossible, s/he may make a decision to deny access pending consultation with the Office of the Attorney General and shall give this reason for delay to the person requesting the information within three (3) days. However, in those circumstances, the custodian shall consult with the Office of the Attorney General within five (5) working days of the decision.

(B) When access is denied, the custodian will comply with the requirements in section 610.023, RSMo concerning informing the individual requesting access to the records of the grounds for denying the request.

(C) When the person requesting access asks in writing that the request and denial be reviewed by the director of the Division of Professional Registration, the custodian shall supply to the director copies of the written



response conveying the denial. The director shall recommend that the department either affirm or reverse the decision of the custodian. If the director recommends reversing the decision, with the approval of the department, s/he shall direct the custodian to so advise the requesting person and supply the access to the information during regular business hours.

(D) When the custodian is uncertain about the division director's position regarding a request, s/he shall inform the person requesting access that the request is denied pending review by the director.

(6) The custodian shall maintain a file which will retain, for at least two (2) years, copies of all written requests for access to records and responses to the requests. This file shall be maintained as a public record of the office open for inspection by any member of the general public during regular business hours.

*Auth: sections 610.010—610.030, RSMo (1986). * Original rule filed May 17, 1989, effective July 27, 1989. Amended: Filed Aug. 3, 1992, effective April 8, 1993.*

**Original authority: 610.010, RSMo (1973), amended 1977, 1979, 1982, 1987; 610.011, RSMo (1987); 610.015, RSMo (1973), amended 1987; 610.020, RSMo (1973), amended 1982, 1987; 610.021-610.026, RSMo (1987); 610.027, RSMo (1982), amended 1987, 1990; 610.028, RSMo (1982), amended 1987; and 610.030, RSMo (1973), amended 1982.*